

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 STEVEN M. HOMICK,)
9 Petitioner,) 3:99-cv-0299-PMP-WGC
10 vs.)
11 RENEE BAKER, *et al.*,)
12 Respondents.)
13 /

15 In this capital habeas corpus action, the petitioner, Steven M. Homick, filed a second
16 amended petition for writ of habeas corpus (ECF No. 282) on January 20, 2012, and the Respondents
17 have responded with a motion to dismiss (ECF No. 303, filed March 19, 2013).

18 On September 20, 2013, Homick filed a motion (ECF No. 340) seeking leave of court to file
19 an opposition to the motion to dismiss exceeding the 30-page limit imposed by Local Rule 7-4.
20 Attached to the motion for leave of court to exceed the 30-page limit is the 179-page opposition that
21 Homick would file. The court has examined the 179-page opposition and determines that there is
22 good cause for Homick to file that lengthy document. The Court will grant the motion for leave of
23 court to exceed the 30-page limit, and will direct the Office of the Clerk to separately file Homick's
24 opposition to the motion to dismiss.

25 The opposition to the motion to dismiss that Homick filed as an attachment to his motion for
26 leave to exceed the 30-page limit, and that will now be separately filed, is redacted; Homick has

1 redacted from that opposition references to material that has been maintained under seal.
2 On September 20, 2013, Homick also filed, under seal, an “Ex Parte Motion for Leave to File
3 Unredacted Opposition to State’s Motion to Dismiss and Select Accompanying Exhibits Under Seal”
4 (ECF No. 344) (hereafter “Ex Parte Motion to File Under Seal”). In that motion, Homick requests
5 leave of court to file under seal the unredacted version of his opposition to the motion to dismiss,
6 and certain exhibits that contain material that has been maintained under seal pursuant to
7 18 U.S.C. § 3599. In the Ex Parte Motion to File Under Seal, Homick also requests leave of court to
8 serve on Respondents’ counsel the unredacted opposition to the motion to dismiss, along with the
9 sealed exhibits, “with the stipulation that the Attorney General not disclose the contents of the
10 unredacted Opposition or accompanying sealed exhibits to anyone outside the Attorney General’s
11 Office or in any public filing.” Ex Parte Motion to File Under Seal (ECF No. 344 (filed under seal)),
12 p. 3. The issue framed is thus not whether the unredacted opposition should be disclosed to
13 Respondents, but rather the manner in which such material may be utilized. Respondents must be
14 able to respond meaningfully to Homick’s proposal. Hence, the Court will employ the following
15 procedure to address the matter.

16 The Court will grant Homick’s ex parte motion, allowing the unredacted opposition to the
17 motion to dismiss, and the select exhibits, to be filed under seal, and allowing Homick to serve the
18 unredacted opposition and sealed exhibits upon Respondents’ counsel with the restrictions Homick
19 proposes.

20 The court will, however, allow Respondents, if they deem it necessary, to file a response
21 setting forth their position concerning the sealing of these materials and the restrictions placed upon
22 Respondents with respect to their handling of these materials. The Court will allow Homick to reply
23 to any response filed by Respondents.

24 Under the scheduling order in force in this case (ECF No. 281, filed November 30, 2011),
25 Respondents’ reply in support of their motion to dismiss, and their response to Homick’s motion
26 for evidentiary hearing (ECF No. 346), which was also filed September 20, 2013, are due

1 October 23, 2013. In view of the relative complexity of the motion to dismiss, the Court will extend
2 that deadline by 35 days, to November 27, 2013.

3 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Leave to File Responsive
4 Pleading in Excess of Thirty Pages (ECF No. 340) is **GRANTED**. The Clerk of the Court shall
5 separately file the opposition to Respondents' motion to dismiss, which is an attachment to
6 Petitioner's Motion for Leave to File Responsive Pleading in Excess of Thirty Pages (ECF No. 340).

7 **IT IS FURTHER ORDERED** that Petitioner's Ex Parte Motion for Leave to File
8 Unredacted Opposition to State's Motion to Dismiss and Select Accompanying Exhibits Under Seal
9 (ECF No. 344) is **GRANTED**. The Clerk of the Court shall separately file, **under seal**, the
10 unredacted opposition to Respondents' motion to dismiss, which is an attachment to the Ex Parte
11 Motion for Leave to File Unredacted Opposition to State's Motion to Dismiss and Select
12 Accompanying Exhibits Under Seal (ECF No. 344). (The sealed exhibits have already been
13 separately filed under seal (ECF No. 345), so the Clerk of the Court need take no further action with
14 respect to those.)

15 **IT IS FURTHER ORDERED** that Petitioner is granted leave of court to serve upon
16 Respondents' counsel the sealed unredacted opposition to the motion to dismiss, along with the
17 sealed exhibits, with the stipulation that the Attorney General not disclose the contents of the
18 unredacted opposition or accompanying sealed exhibits to anyone outside the Attorney General's
19 Office or in any public filing pending further order of this Court. Such service shall be completed
20 within 5 days after the entry of this Order.

21 **IT IS FURTHER ORDERED** that Respondents may, if they deem it necessary, within 15
22 days after the service of the sealed material, file a response setting forth their position concerning the
23 sealing of the unredacted opposition to the motion to dismiss and related exhibits, and the
24 restrictions placed upon Respondents with respect to their handling of those materials. Homick may
25 reply to that notice within 10 days after it is filed. If necessary, to maintain the confidentiality of the
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1 sealed materials, Respondents' response and/or Homick's reply must be filed under seal, the parties
2 are granted leave of court to file those documents under seal.

3 **IT IS FURTHER ORDERED** that the time for Respondents to file a reply in support of
4 their motion to dismiss, as well as a response to Homick's motion for evidentiary hearing (ECF No.
5 346), is extended to **November 27, 2013**.

Dated this 25th day of September, 2013.

Philip M. Orr
UNITED STATES DISTRICT JUDGE